

**2216-CV05310 - CYNTHIA WOODS V PEPSICO, INC. (E-CASE)**

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/ Execution
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Judge/Commissioner Assigned: KANATZAR, JAMES FRANCIS
Location: Jackson - Independence
Disposition: Not Disposed
Financial Information :

Date Filed: 03/15/2022**Case Type:** CC Pers Injury-Other[Track This Case](#)

**EXHIBIT
A**

**2216-CV05310 - CYNTHIA WOODS V PEPSICO, INC. (E-CASE)**

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WOODS , CYNTHIA , Plaintiff

represented by

MACH , COOPER SCOTT , Attorney for Plaintiff8009 E. 120TH STREET
GRANDVIEW, MO 64030POPHAM LAW FIRM
712 BROADWAY
SUITE 100
KANSAS CITY, MO 64105
Business: (816) 512-2619**Year of Birth:** 1963**PEPSICO, INC. , Defendant**REG AGT: CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
SAINT LOUIS, MO 63105



2216-CV05310 - CYNTHIA WOODS V PEPSICO, INC. (E-CASE)

Case Header	Parties & Attorneys	Docket Entries	Charges, Judgments & Sentences	Service Information	Filings Due	Scheduled Hearings & Trials	Civil Judgments	Garnishments/Execution
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Sort Date Entries: ☒ Descending ☐ Ascending Display Options: All Entries

03/30/2022	Retn Serv-Reg/Cert Mail Succs Document ID - 22-SMCM-71; Served To - PEPSICO, INC.; Server - ; Served Date - 29-MAR-22; Served Time - 10:06:00; Service Type - Certified Mail; Reason Description - Served
03/21/2022	Certificate of Mailing Document ID: 22-CMDN-353, for PEPSICO, INC.. Summons Issued-Reg/Cert Mail Document ID: 22-SMCM-71, for PEPSICO, INC.. Case Mgmt Conf Scheduled Scheduled For: 07/08/2022; 8:30 AM ; JAMES FRANCIS KANATZAR; Jackson - Independence
03/15/2022	Filing Info Sheet eFiling Filed By: COOPER SCOTT MACH Note to Clerk eFiling Filed By: COOPER SCOTT MACH Cert Serv Req Prod Docs Things Certificate of Service of Plaintiffs Opening Discovery to Defendant; Request for Documents; Interrogatories. Filed By: COOPER SCOTT MACH On Behalf Of: CYNTHIA WOODS Affidavit for Service by Mail Affidavit for Service by Certified Mail. Filed By: COOPER SCOTT MACH Pet Filed in Circuit Ct Petition for Damages. Filed By: COOPER SCOTT MACH Judge Assigned



March 29, 2022

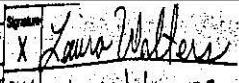
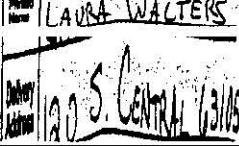
Dear MAIL MAIL:

The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0173 8051 63.

Item Details

Status: Delivered, Individual Picked Up at Postal Facility
Status Date / Time: March 29, 2022, 10:06 am
Location: SAINT LOUIS, MO 63105
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: RA CT CORPORATION SYSTEM

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

FILED
JACKSON, MO
22 MAR 30 AM 8:25

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000173805163
2216-CV05310 DIV5 AT 07-08-2022 AT 8:30
RA: CT CORPORATION SYSTEM
PEPSICO INC
120 SOUTH CENTRAL AVE
S LOUIS, MO 63105-0000

SSum 1



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

Judge or Division: JAMES FRANCIS KANATZAR	Case Number: 2216-CV05310
Petitioner(s): CYNTHIA WOODS vs.	(Date File Stamp)
Respondent(s): PEPSICO, INC.	

Certificate of Mailing/Delivery/Delivery of Notice of Appeal/Registered/Certified Return Receipt

☒ The undersigned certified that copy of PETITION FOR DAMAGES was mailed on this day by U.S. ☐ regular ☒ certified ☐ registered mail, postage prepaid, to the following person(s) at the stated address(es):

PEPSICO, INC.
REG AGT: CT CORPORATION SYSTEM 120 SOUTH CENTRAL AVENUE
SAINT LOUIS, MO 63105

☐ The undersigned certifies that a:

- ☐ Copy of Rule 24.035 Motion was delivered to Court Reporter-Division _____
- ☐ Copy of Rule 24.035 or Rule 29.15 Motion to vacate, Set Aside, or Correct Judgment or Sentence
- ☐ Copy of Application for hardship driving Privileges, SR22 Form and Five year Driving Record.
- ☐ Copy of Application for Hearing under Section 577.041 RSMo on Refusal to Submit to Chemical Test
- ☐ Copy for Petition for Review

Filed in the above cause was delivered on this day to the Prosecuting Attorney's Office.

☐ I certify that I emailed and/or personally delivered a copy of the Notice of Appeal filed in the above entitled cause to:

- ☐ Missouri Court of Appeals
Western District
Kansas City, Missouri 64106
- ☐ Prosecuting Attorney's Office
415 East 12th Street, 7M
Kansas City, Missouri 64106

☐ The undersigned certifies that _____ was hand delivered to the Missouri Court of Appeals, Western district, on this date.

☐ Attach return receipt with Registered/certified number.

COURT SEAL OF



JACKSON COUNTY

March 21, 2022

Date

[Handwritten Signature]

Clerk

I hereby acknowledge receiving the aforesaid copy of the Notice of Appeal filed in said cause.

Date

By

- ☐ Prosecutor's Office
- ☐ Missouri Court of Appeals

COURT ADMINISTRATOR'S OFFICE
DEPARTMENT OF CIVIL RECORDS
308 W KANSAS AVE STE 107
INDEPENDENCE, MO 64050-3728



9214 8901 0661 5400 0173 8051 63

RETURN RECEIPT (ELECTRONIC)

2216-CV05310 DIV5 AT 07-08-2022 AT 8:30

RA: CT CORPORATION SYSTEM
PEPSICO INC
120 SOUTH CENTRAL AVE
S LOUIS, MO 63105

CUT / FOLD HERE

Zone 3

6"x9" ENVELOPE
CUT / FOLD HERE

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**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

CYNTHIA WOODS,

PLAINTIFF(S),

VS.

**CASE NO. 2216-CV05310
DIVISION 5**

PEPSICO, INC.,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JAMES FRANCIS KANATZAR** on **08-JUL-2022** in **DIVISION 5** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ JAMES FRANCIS KANATZAR

JAMES FRANCIS KANATZAR, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

COOPER SCOTT MACH, POPHAM LAW FIRM, 712 BROADWAY, SUITE 100, KANSAS CITY, MO 64105

Defendant(s):

PEPSICO, INC.

Dated: 21-MAR-2022

MARY A. MARQUEZ
Court Administrator



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JAMES FRANCIS KANATZAR	Case Number: 2216-CV05310
Plaintiff/Petitioner: CYNTHIA WOODS	Plaintiff's/Petitioner's Attorney/Address: COOPER SCOTT MACH POPHAM LAW FIRM 712 BROADWAY SUITE 100 KANSAS CITY, MO 64105
Defendant/Respondent: PEPSICO, INC.	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons for Service by Registered or Certified Mail

The State of Missouri to: PEPSICO, INC.
Alias:

REG AGT: CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVENUE
SAINT LOUIS, MO

COURT SEAL OF



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner, or Plaintiff/Petitioner, if pro se, at the above address all within 30 days after the return registered or certified mail receipt signed by you has been filed in this cause. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in the petition.

21-MAR-2022
Date Issued

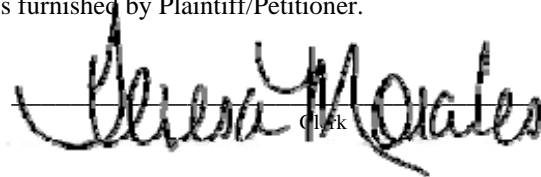

Clerk

Further Information:

Certificate of Mailing

I certify that on March 21, 2022 (date), I mailed a copy of this summons and a copy of the petition to Defendant/Respondent PEPSICO, INC. by registered or certified mail, requesting a return receipt by the addressee only, to the said Defendant/Respondent at the address furnished by Plaintiff/Petitioner.

March 21, 2022
Date


Clerk

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

CYNTHIA WOODS)	
8009 E. 120 th Street)	
Grandview, MO 64030)	
)	
Plaintiff)	
v.)	Case No.
)	
PEPSICO, INC.)	
SERVE REGISTERED AGENT:)	
C T Corporation System)	
120 South Central Avenue)	
Saint Louis, MO 63105)	
)	
Defendant)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies Plaintiff's Opening Discovery to Defendant was served with the Petition.

Respectfully Submitted

THE POPHAM LAW FIRM, P.C.

By: /s/ Cooper S. Mach

COOPER S. MACH #68223

Scott W. Mach #31656

712 Broadway, Suite 100

Kansas City, MO 64105

(816) 221-2288 (telephone)

(816) 221-3999 (facsimile)

smach@pophamlaw.com

cmach@pophamlaw.com

ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

CYNTHIA WOODS)	
8009 E. 120 th Street)	
Grandview, MO 64030)	
)	
)	
Plaintiff)	
v.)	Case No.
)	
PEPSICO, INC.)	
SERVE REGISTERED AGENT:)	
C T Corporation System)	
120 South Central Avenue)	
Saint Louis, MO 63105)	
)	
Defendant)	

AFFIDAVIT

STATE OF MISSOURI)
) ss:
COUNTY OF JACKSON)

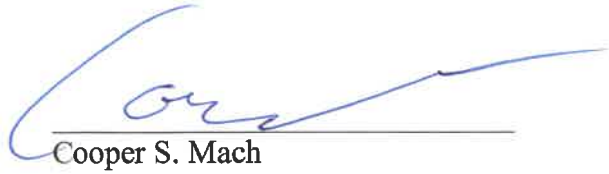
Cooper S. Mach, of lawful age, being first duly sworn upon his oath, states as follows:

1. That he is presently employed as an attorney with The Popham Law Firm, 712 Broadway, Suite 100, Kansas City, MO 64105.

2. That the following defendants will be served **Plaintiff's Petition for Damages; Plaintiff's First Interrogatories to Defendant; Plaintiff's First Request for Documents; and Certificate of Service** by Certified Mail Return Receipt Requested by the Clerk of the Court, Jackson County, Missouri:

PEPSICO, INC.
SERVE REGISTERED AGENT:
C T Corporation System
120 South Central Avenue
Saint Louis, MO 63105

FURTHER AFFIANT SAITH NOT.


Cooper S. Mach

Subscribed and sworn to before me this 15th day of March, 2022.


Notary Public

My Commission Expires:



CINDY WAGNER
My Commission Expires
March 5, 2024
Clay County
Commission #12473798

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

CYNTHIA WOODS)	
8009 E. 120 th Street)	
Grandview, MO 64030)	
)	
)	
Plaintiff)	
v.)	Case No.
)	
PEPSICO, INC.)	
SERVE REGISTERED AGENT:)	
C T Corporation System)	<u>DEMAND FOR JURY TRIAL</u>
120 South Central Avenue)	
Saint Louis, MO 63105)	
)	
Defendant)	

PETITION FOR DAMAGES

Plaintiff, by and through counsel, state, and allege and aver the following as and for their cause of action against defendant herein:

ALLEGATIONS COMMON TO ALL COUNTS

1. Plaintiff is a citizen and resident of the State of Missouri residing at the address shown herein above.
2. Defendant PepsiCo, Inc. (hereinafter referred to as "Pepsi") is a for-profit foreign corporation doing business in the State of Missouri. Said business was performing beverage distribution in the state of Missouri through its agents and or employees at the time of all complained of actions or omissions.
3. Defendant Pepsi may be served through its registered agent at the above-listed address.

4. The actions and omissions of the defendant were accomplished by the defendants' agents, servants, or employees, all acting within the course and scope of their relationship with defendant.

5. The Court has jurisdiction over non-state Defendant Pepsi Beverages, Co. under RSMo. § 506.500.1(1) as the allegations arise from the transaction of business within the state of Missouri.

6. Venue is proper under RSMo. § 508.010.4 as the allegations include a tort causing injury in Jackson County, more specifically the Eastern Portion of Jackson County.

7. On or about December 6, 2019, plaintiff Cynthia Woods (hereinafter "Plaintiff" or "Woods") was an employee of Target Corporation and was working at the Target store located at 17810 E. 39th Street South, Independence, Missouri 64055 (hereinafter "The Store").

8. On or about December 6, 2019, Plaintiff was executing the typical duties of her job, when she was struck in the head by falling crates used to stock and store Pepsi soda products causing serious bodily injury to Woods.

9. The crates fell due to the action and/or inaction of employees and/or agents of Defendant Pepsi who had stacked the crates in an unsafe manner where it was reasonably foreseeable that they could fall causing bodily injury to individuals such as that incurred by Plaintiff.

10. At all relevant times hereto, Defendant Pepsi owed certain duties to the plaintiff, including the duty to act in a reasonable, cautious and prudent fashion so as to prevent injury.

11. On or about December 6, 2019 defendant Pepsi had the responsibility to maintain the regularly used walkways in The Store in a manner that was free of latent defects, including

an area where individuals would become unreasonably susceptible to injury caused by falling storage crates.

12. Defendant Pepsi knew, or by using ordinary care, should have known, of the dangers associated with storage crates stacked in the manner that these particular crates were stacked on or around December 6, 2019.

13. On or about December 6, 2019, Plaintiff was walking down a regular walkway at The Store in the regular course of business. Unbeknownst to Plaintiff, an agent of Defendant Pepsi had recently been stocking product at The Store and had stacked the storage crates in a perilous position. No signs were posted to warn persons, including Plaintiff, of the danger of the falling crates, and no other action or inaction was taken to alert Plaintiff to the danger. Plaintiff was struck by falling storage crates causing her to suffer severe injury.

COUNT I—NEGLIGENCE

Plaintiff Cynthia Woods, for Count I of this cause of action states as follows:

14. All allegations and averments contained in allegations common to all counts of the Petition for Damages are hereby incorporated by reference as if fully set forth.

15. On or about December 6, 2019 plaintiff Cynthia Woods was working and walking on the premises of The Store.

16. On or about December 6, 2019, defendant Pepsi, by and through its agent, was stocking product at The Store and subsequently stacking the storage crates, creating a hazard for all persons on the property, including plaintiff.

17. Defendant Pepsi failed to present appropriate signage or warnings of the hazard it had created by and through the actions or omissions of its employee/agent.

18. Plaintiff Cynthia Woods was injured by falling storage crates stacked by Defendant Pepsi as a direct and proximate result of negligence and failure to exercise reasonable care by defendant Pepsi, specifically including, but not limited to, the following actions and omissions:

- a. Failing to maintain the premises free from latent defects, such as the improperly stacked storage crates that caused injury to Plaintiff;
- b. Failing to provide proper safety measures to protect individuals walking in a walkway that Pepsi knew or should have known was regularly traversed by individuals;
- c. Failing to warn plaintiff Cynthia Woods of the dangerous condition of the improperly stacked storage crates;
- d. Failing to display proper signage to warn individuals, including Plaintiff, of the latent hazard defendant Pepsi had created;
- e. Failing to prevent the dangerous condition of the improperly stacked storage crates which resulted in injury to plaintiff Cynthia Woods;
- f. Failing to protect plaintiff Cynthia Woods from injury caused by the latent defect that defendant Pepsi had created;
- g. Failing to barricade or block off the latent defect of the improperly stacked storage crates;
- h. Failing to have proper procedures, warnings, and instructions as to the maintenance, care and procedure of stacking storage crates in a public area;

- i. Allowing a latent defect to exist where it was anticipated that people, including specifically plaintiff Cynthia Woods, would walk and therefore making the premises not reasonably safe;
19. As a direct and proximate result of the carelessness and negligence of defendant Pepsi, plaintiff Cynthia Woods suffered injury to her body, including, but not limited to her head, neck, shoulder, and arm.
20. Plaintiff Cynthia Woods' injuries are severe, permanent and progressive in nature.
21. Plaintiff Cynthia Woods was caused to suffer severe pain, discomfort, altered sensation, loss of normal sleep, and loss of enjoyment of life as a result of her injuries.
22. Plaintiff Cynthia Woods was required to spend money for medical care necessitated by the injuries caused by defendant's actions or omissions.
23. Plaintiff Cynthia Woods will be required to spend money in the future for medical care necessitated by the injuries.
24. She also has lost wages from her employment and will lose wages in the future because her injuries are permanent in nature.

WHEREFORE, plaintiff Cynthia Woods prays judgment on her petition against defendant Woodley in a fair and reasonable amount in excess of \$25,000 and for such other and further relief as the court would deem just and proper.

Plaintiff Demands a Jury Trial

Respectfully Submitted

THE POPHAM LAW FIRM, P.C.

By: /s/ Cooper S. Mach

COOPER S. MACH #68223

Scott W. Mach #31656

712 Broadway, Suite 100

Kansas City, MO 64105

(816) 221-2288 (telephone)

(816) 221-3999 (facsimile)

smach@pophamlaw.com

cmach@pophamlaw.com

ATTORNEYS FOR PLAINTIFF